## REMARKS

Reconsideration and allowance are respectfully requested in the subject application. Claims 1-6, 8-22, and 24-35 are pending in the application with claims 6, 8-11, 22 and 24-27 being allowed. Applicant respectfully submits that all of the pending claims define patentable subject matter.

**Rejection under 35 U.S.C. § 101**

Claims 33-35 are rejected under 35 U.S.C. § 101 because the invention is allegedly directed to non-statutory subject matter. By this Amendment, Applicant has amended claims 33-35 to comply with the requirements of § 101. Accordingly, the Examiner is requested to withdraw the rejection of claims 33-35.

**Rejection under 35 U.S.C. § 103**

Claims 1, 12, 17, 28, 33, and 35 are newly rejected under 35 U.S.C. § 103 as being unpatentable over Sherman (U.S. Pub. No. 2003/0161340; hereinafter "Sherman") in view of Haartsen (U.S. Patent No. 6,973,067; hereinafter "Haartsen"). Applicant respectfully traverses this rejection.

Independent claim 1 is directed to "[a] coordinator polling list making apparatus." Claim 1 recites:

> a controlled contention frame transmitter, which when making a polling list is requested, generates a controlled contention frame and transmits the controlled contention frame to stations on a network **through a predetermined**

**channel** using a broadcast method after a period of time corresponding to a priority inter-frame space lapses since receipt of the request of making a polling list;

a reservation request frame receiver, which receives a reservation request frame from each of the stations through the predetermined channel as a response to the controlled contention frame during a controlled contention interval designated by the controlled contention frame; and

a polling list making unit, which when the reservation request frame receiver receives the reservation request frame, allocates a poll frame transmission sequence to the stations, from which the reservation request frame is received, **using a first come first serve method based on a sequence in which reservation request frames arrive and makes a polling list comprising the poll frame transmission sequence.** (emphasis added).

As discussed in the previous Amendment filed August 29, 2007, Sherman uses and algorithm and permission probability to resolve contention. See paragraph [0088]. The type of algorithm used in Sherman will result in the disadvantages of burdening the system with a heavy load and delayed transmission of the reserve reservation frame. This is not the same as using a first come first basis, as required by claim 1.

The Examiner correctly concedes that "Sherman did not disclose the method from which the reservation request frame is received, using a first come first serve method based on a sequence in which reservation request frames arrive and makes a polling list comprising the pool frame transmission sequence." However, the Examiner maintains that "Haartsen from the same or similar fields of endeavor teaches the method from which the reservation request from is received, using a first come first serve method based on a sequence in which reservation request frames arrive and makes a polling list

comprising the poll frame transmission sequence", citing in support FIG. 4A, and col. 6, lines 16-44.

Haartsen states "the reservation of a particular one of time slots 110 for establishing a link for synchronous information can be accomplished in different ways. In case of a communication system with decentralized control, the reservation of a time slot 110 may be accomplished by agreement of all units on communication link. In more conventional manner, units want to establish a synchronization link...may broadcast the reservation to all participants on communication channel 100. In a...decentralized case, reservations are established on first come first served basis and each unit know exactly which time slot is reserved for the synchronous link."

Haartsen does not relate to an apparatus or method for making a polling list based on IEEE 802.11e. Rather, the reference relates to "a method and apparatus for combining the delivery of synchronous and asynchronous data on the same medium at the same time..." See col. 3, lines 19-22. Even though Haartsen teaches that "in a decentralized case, reservations are established on a first come first served basis...", the reference fails to teach or suggest: "generat[ing] a controlled contention frame and transmits the controlled contention frame to stations on a network **through a predetermined channel** using a broadcast method after a period of time corresponding to a priority inter-frame space lapses since receipt of the request of making a polling list...**allocates a poll frame transmission sequence to the stations, from which the reservation request frame is received, using a first come first serve method based on a sequence in which**

**reservation request frames arrive and makes a polling list** comprising the poll frame transmission sequence." In other words, nowhere does FIG. 4 and col. 6, lines 16-44, or any other portion of Haartsen teach or suggest making a polling list comprising the poll frame transmission sequence using a first come first serve method. Thus, even if the references were combined as alleged by the Examiner, the combination of Sherman and Haartsen would not include all of the features of the claimed invention.

For at least the above reasons, Applicant respectfully submits that independent claim 1 would not have been rendered obvious in view of the Examiner's proposed combination of Sharman and Haartsen.

Claims 12, 17, 28, 33, and 35 recite limitations similar to those of claim 1 and are patentable for analogous reasons as set forth above.

Claims 2-4, 13-15, 18-20, and 29-31 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sherman in view of Haartsen and in further view of Yew et al. (U.S. Pub. No 2003/0108059; hereinafter "Yew). Applicant respectfully submits that Yew does not remedy the deficient teachings of Sherman and Haartsen discussed above. Accordingly, claims 2-4, 13-15, 18-20, and 29-31 are patentable at least by virtue of their dependency on independent claim 1, 12, 17 or 28.

Claims 5, 16, 21, and 32 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sherman in view of Haartsen and Yew and in further view of Ho et al. (U.S. patent No. 7,151,762). Applicant respectfully submits that Ho does not remedy the

deficient teachings of Sherman and Haartsen discussed above. Accordingly, claims 5, 16, 21 and 32 are patentable at least by virtue of their dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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